

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN HENRY PAGE,

Plaintiff,

v.

INTERNAL REVENUE SERVICE, and
TYRONE BLANCHETTE,

Defendants.

3:09-CV-0030-LRH-RAM

ORDER

Before the court is plaintiff John Henry Page's ("Page") motion to reconsider filed on March 1, 2010. Doc. #19.¹

Page is an inmate incarcerated at the Northern Nevada Correctional Center in Lovelock, Nevada. While incarcerated, Page accidentally received a 2008 economic stimulus rebate from the Internal Revenue Service ("IRS") which was intended for another John H. Page residing in Nevada. The mistake was quickly fixed and the stimulus package was directed to the proper recipient.

Page subsequently filed suit in federal court alleging that he was entitled to the 2008 stimulus package and that his stimulus rebate should not have been redirected to another individual. On February 22, 2010, the court granted defendants' motion to dismiss finding that Page, as an inmate, did not earn sufficient qualifying income during the tax year to qualify for the 2008

¹ Refers to the court's docket number.

1 stimulus package. Doc. #17. Thereafter, Page filed the present motion to reconsider. Doc. #19.

2 Page brings his motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b). Rule
3 60(b) provides that a district court may relieve a party from a final judgment or order. Relief from
4 judgment is appropriate upon a showing of mistake, newly discovered evidence, fraud, or excusable
5 neglect. FED. R. CIV. P. 60(b); *see also, Bateman v. U.S. Postal Service*, 231 F.3d 1220, 1223 (9th
6 Cir. 2000).

7 Here, Page has not provided any justification within Rule 60(b) to warrant granting him
8 relief. Page's motion is based on his personal belief that the order was unjust because he "notified
9 the defendants over 13 times" requesting information about his 2008 stimulus package to which the
10 defendants never responded thereby prompting Page to file a lawsuit. Although Page had to file a
11 lawsuit in order to have the Internal Revenue Service respond to his requests for information, Page
12 filed suit seeking relief that he is not entitled to, the 2008 stimulus package. The court's February
13 22, 2010 order dismissing Page's complaint was proper and without mistake or error.

14 IT IS THEREFORE ORDERED that plaintiff's motion for reconsideration (Doc. #19) is
15 DENIED.

16 IT IS SO ORDERED.

17 DATED this 9th day of April, 2010.



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20 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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